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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/778,016	02/12/2004	Todd Alan Schonewille	0275R-000858	3352

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HARNES, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

SPISICH, MARK

ART UNIT	PAPER NUMBER
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1744

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/778,016

Applicant(s)

SCHONEWILLE ET AL.

Examiner

Mark Spisich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 22-33 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,7 and 8 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33 is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,9 and 22-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/2005 & 2/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 3,4,7 and 8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 25 January 2007.

Information Disclosure Statement

The PCT document numbers listed on the "1449" have been changed, as the ones provided by applicant were all incorrect (it listed the application and not the publication numbers).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Klupt (USP 5,301,381). The patent to Klupt discloses a cleaning apparatus (10) comprising a housing (12,14), battery (42), motor (40), drive shaft (any of the drive or shaft members between the brushes 20 and the motor), cleaning attachment (20) and liquid delivery system comprising reservoir (28), nozzle (82), valve (56,57) and a fluid conduit (52,58).
4. Claims 1,2,5,6,9,25 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Sloan (USP 3,977,084). The patent to Sloan discloses a cleaning apparatus (20 or 136) comprising a housing (22,24 or 140,142), battery (column 4, lines

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1-4), motor (30 or 146), shaft (56 or 154) and liquid delivery system comprising a reservoir for a fluid under pressure and which is comprised of one of two different embodiments each including a reservoir, nozzle (280), valve (110 or 150), and a fluid conduit and the embodiment of figures 4-4A including a spring (192) biased piston (212). Case (142) reads on the cylinder sleeve of claim 25.

5. Claim 1 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Ra (USP 5,680,666). The patent to Ra discloses a device comprising a housing (1), battery (2A), motor (7), output shaft operative to rotate a cleaning attachment (10) and a pressurized liquid delivery system (3A,17,etc).

6. Claims 1,2,5,6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Pickering (USP 3,447,178). The patent to Pickering discloses a device comprising a housing in which is located a battery (91), motor (31), shaft (30) for driving a cleaning attachment (21) and a fluid delivery system (17).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1,9,26,27 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downes (USP 3,892,004) in view of Sloan (USP 3,977,084). The patent to Downes discloses a housing (10A,10B), motor (13), shaft (14), cleaning attachment (11,11A), and liquid delivery system for supplying a pressurized fluid

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(column 2, lines 53-66). The motor (13) is described as a dc motor (column 2, lines 9-13). Downes discloses the invention substantially as claimed with the exception of the battery. The use of batteries to power motors in portable cleaning devices is extremely well known (also see column 4, lines 1-4 of Sloan) and that one of ordinary skill would seem it obvious to use a battery to provide power to the motor so that the device could be used away from a power outlet.

9. Claims 1 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trelc et al (USP 3,443,272) in view of Downes (USP 3,892,004) and Lanusse (USP 3,943,591). The patent to Trelc discloses a cleaning device comprising a housing (10,etc), motor (12), shaft (13), cleaning attachment (21) as well as a fluid deliver system (28,etc) located in a portion of the housing parallel to a handle portion (29) of the housing.. The patent to Trelc discloses the invention substantially as claimed with the exception of the battery and the particular fluid delivery structure. As for the battery, the use of batteries to supply power to portable devices is extremely well known (see #22 in Lanusse, which are also in the handle). The use of a battery to provide power to the motor would be obvious to one of ordinary skill so that the device could be used in the absence of a power outlet. As for the fluid supply, the patent to Downes (see column 2, lines 53-66) discloses a (valved) pressurized fluid supply. The use of such a supply would be obvious to one of ordinary skill as it is shown to be an art-recognized equivalent means of supplying a cleaning fluid in a portable cleaning device.

10. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downes (USP 3,892,004) and Sloan (USP 3,977,084) as applied to claim 26

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above, and further in view of Goldstein et al (USP 3,343,192). The prior art discloses the invention substantially as claimed with the exception of the auxiliary handle with an actuator. Goldstein discloses an auxiliary handle (84) with its own actuator (92). The provision of such an auxiliary handle is shown to be known in the art for the purpose of enabling a different grip.

11. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ra (USP 5,680,666) in view of Kucar (USP 5,700,146). The patent to Ra discloses the invention substantially as claimed with the exception of the cap with electrical contacts. The patent to Kucar discloses a cap (48) with electrical contacts (52) for allowing recharging of a battery (44). It would have been obvious to one of ordinary skill to have modified the device of Ra as such so that the battery could be recharged while still in the housing. The housing could be formed of two halves and permanently joined.

Allowable Subject Matter

12. Claim 33 is allowed.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited patents are pertinent to portable powered devices with some type of material supply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (5:30-3:00), Alternate Fri off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Mark Spisich
Primary Examiner
Art Unit 1744

MS